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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,624	12/26/2001	Terry Bruce	15584.1	1108

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EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,624

Applicant(s)

BRUCE, TERRY

Examiner

Tan Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the third office action for serial number 10/019,624.
2. This office action is intended to replace the previous office action since the supplemental amendment filed on 4/07/04 was crossed in the mail. The finality of the previous office action is therefore withdrawn. An office action as follows:
3. This application remains 15 claims numbered 1-15. Claims 16-19 have been previously canceled.
4. Amendment to specification has been entered.
5. The supplemental amendment filed 4/07/04 has been also entered.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites limitation "the horizontal plane" line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites limitation "the vertical plane" line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites limitation "the hose clamp" line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 7, 8 and 10, each recites limitation "the stab pin" (claim 4, line 3), (claim 7, line 3), (claim 8, line 4), (claim 10, line 4). There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites limitation "the hose securing means" line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No. 13318 to Howell et al.

Regarding claim 1, Howell et al. shows a nozzle holder comprising a hose locating mechanism (a), a hose coupling (c, d, g); a securing means (between a and b) for securing the locating mechanism to a support structure (b), the locating mechanism having a first locking mechanism (pin) which moves between a locked and an unlocked position such that when in the unlocked position the hose coupling has unlimited rotational movement about an axis in a horizontal plane.

Regarding claims 7 and 10, Howell also shows the hose coupling having a female member suitable for receiving the pin of the first locking mechanism thus allowing the hose coupling to be removed from the hose locating mechanism when the first locking mechanism is in the unlocked position (when the pin is pulling out from the third female member) and allowing the hose coupling to be locked from the locating

mechanism when the first locking mechanism is in the locked position (when the pin is engaged with the third female member).

Regarding claims 2, 4 and 8, Howell also shows the hose locating mechanism further having a second locking mechanism which moves between locked and unlocked positions such that when in the unlocked position the hose coupling has unlimited rotational movement about an axis in a vertical plane; and the securing means further comprising a first female member suitable for receiving a pin and a base clamping mechanism (b) (see marked-up copy attached).

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. in view of US Patent No. 1,583,772 to Blaw.

Unlike Howell, Blaw teaches the portable independent frame is a tripod.

One skilled in the art would have been motivated to use the portable tripod as taught by Blaw in place of the portable support legs of Howell in order to provide more stable and stronger support, as well as, to provide quicker in moving around.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. in view of US Patent No. 3,856,245 to Byerly.

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Regarding claims 11-14, Howell lacks teaching of the hose coupling further comprises the gripping aid, a mounting band wherein the gripping aid is made of flexible material comprising rubber, and is cylindrical in shape.

Byerly teaches the gripping aid being made out of flexible material namely rubber in order to deform and to press hard against the pipe, as well as, to provide frictionally hold while preventing damages to the pipe.

One skilled in the art would have been motivated to use the rubber gripping aid of Byerly for the hose coupling of Howell because Byerly teaches that the rubber can be pressed hard against the pipe to provide tightly secure as well as to minimize the damages to the pipe.

Regarding claim 15, Howell as modified also teaches a hose securing means being a screw thread mechanism (e).

Response to Arguments

9. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground of rejection.

Applicant's argument with respect to the rejection under 112 first paragraph is persuasive. The rejection is therefore, withdrawn.

Allowabl Subject Matter

10. Claims 3, 5 and 9 are rejected, but would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11 Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244. The examiner can normally be reached on Mon through Fri. from 9:00AM-6:00PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
April 19, 2004.



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER